

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

SHEILA MAYBERRY,

Plaintiff,

v.

LAW OFFICES OF ED  
OVERCASH, LLC,

Defendant.

CIVIL ACTION FILE

NO. 1:11-cv-03069-TWT-GGB

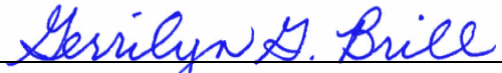
**FINAL REPORT AND RECOMMENDATION**

The above-styled case was filed on September 12, 2011 and an electronic summons was issued. Federal Rule of Civil Procedure 4(m) requires service of the summons and complaint upon the defendant to be made within 120 days after the filing of the complaint.

On March 15, 2012, I issued a show cause order stating that more than 120 days had elapsed since the filing of the complaint, and no proof of service has been filed with the court. [Doc. 3, Order]. The Order pointed out that more than six months have passed without any substantial proceedings of record having been taken in the case. LR 41.3(A)(3). Accordingly, Plaintiff was **ORDERED** to show cause in writing, within 10 days of the date of the Order, as to why this case should not be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 4(m) and Local Rule 41.3, NDGa.

The time for responding has now passed, and as of today's date, Plaintiff has not responded to the Court's Order. Accordingly, I **RECOMMEND** that this action be **DISMISSED without prejudice** for failure to prosecute, under the noted authority.

**IT IS SO RECOMMENDED**, this 6th day of April, 2012.

  
\_\_\_\_\_  
GERRILYN G. BRILL  
UNITED STATES MAGISTRATE JUDGE